

RESTRICTIVE COVENANT

OWNER: Daughters of Charity Health Services of Austin,
a Texas non-profit corporation

ADDRESS: 1300 West 34th Street, Austin, Texas 78705

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1, Block A, Hail Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 101, Pages 306-307, of the Plat Records of Travis County, Texas

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated June 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated July 6, 2006. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.



RETURN THIS SIGN OFF SHEET AFTER REVIEWING DOCUMENTS

TO: Wendy Walsh
Neighborhood Planning and Zoning Dept.

FAX #4-6054
TOTAL PAGES:

FROM: Diana Minter, Paralegal, 974-2341
Law Dept.; FAX 974-6490

DATE: July 12, 2006

SUBJECT: Zoning File No. C14-05-0219

SEE COMMENTS BELOW

PLEASE REVIEW THE FOLLOWING DOCUMENTS.

If revisions are necessary, let me know as soon as possible and send written revisions. If acceptable, sign and return this sheet. Zoning cases should **NOT** be put on Council agenda until you have all documents necessary and this sheet has been returned to me.

1. ORDINANCE DRAFT.
2. ORIGINAL RESTRICTIVE COVENANT (TERMINATION OR AMENDMENT).
3. ORIGINAL STREET DEED

If the document (#2 or #3) is acceptable, have the original executed by the owner of the property and notarized. When signed and acknowledged return it to me along with a check for recording fees payable to appropriate county clerk.

NOTE: ONLY THE CURRENT OWNER OF THE SUBJECT PROPERTY HAS AUTHORITY TO SIGN THESE DOCUMENTS.

Ordinance ☒ acceptable ☐ unacceptable

Restrictive Covenant (Termination/Amendment) ☒ acceptable ☐ unacceptable; Recording fees \$24.00

Street Deed ☐ acceptable ☐ unacceptable; Recording fees: \$

Legal description ☐ not accurate. (Attach/provide correct description)

Conditions ☐ Revise as follows: Include in Comments below.

COMMENTS:

Planner signature _____ Date _____

Thanks. DWM
Attachments

Rev. 3/06

1 **PART 3.** This ordinance takes effect on _____, 2006.
2
3

4 **PASSED AND APPROVED**
5

6
7
8 _____, 2006

§
§
§

9 Will Wynn
10 Mayor
11

12
13 **APPROVED:**

14 David Allan Smith
15 City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

1 **PART 3.** This ordinance takes effect on _____, 2006.

2
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4 **PASSED AND APPROVED**

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7
8 _____, 2006

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§
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Will Wynn
Mayor

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12
13 **APPROVED:** _____ **ATTEST:** _____

14 David Allan Smith
15 City Attorney

Shirley A. Gentry
City Clerk